

# Responding to Challenges— Ensure Your Library is Prepared

Jeanette Larson

for

Texas State Library and Archives Commission



- The Foundations of Intellectual Freedom
  - Constitution
- The Philosophy of Freedom to Read/View
  - ALA Statements
- Policies and Procedures
- The Real World



# What is Intellectual Freedom?

- US Constitution
  - First Amendment

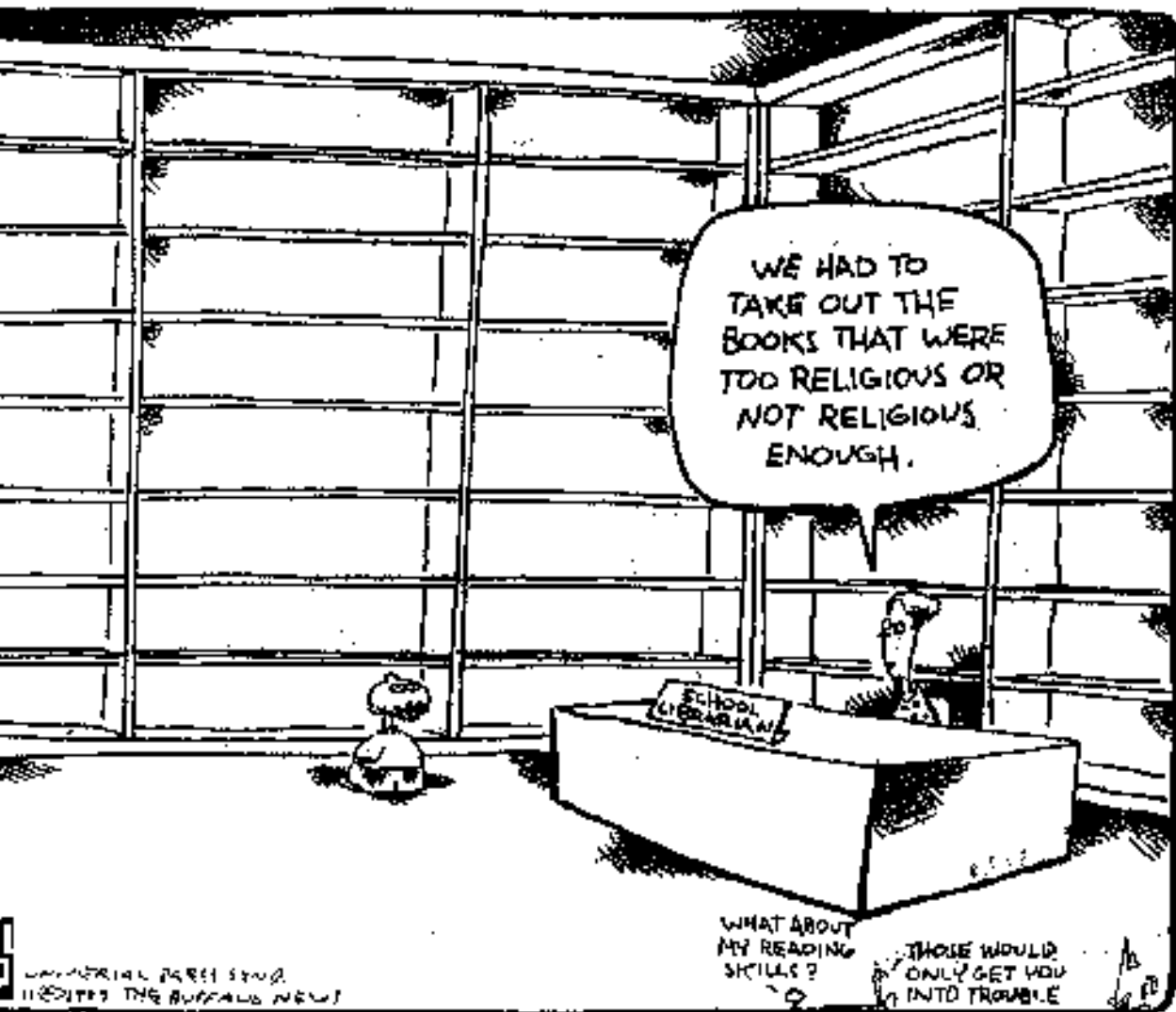


The right to seek, receive, hold, and disseminate information from all points of view **without restriction.**

# Core Principle of Democracy

- Intellectual freedom is the basis for our democratic system.
- We expect our people to be self-governors.
- Citizenry must be well-informed.
- Libraries provide the ideas and information, in a variety of formats, to allow people to inform themselves.
- Intellectual freedom encompasses the freedom to hold, receive and disseminate ideas.

## OW THE BELTWAY



## Intellectual Freedom

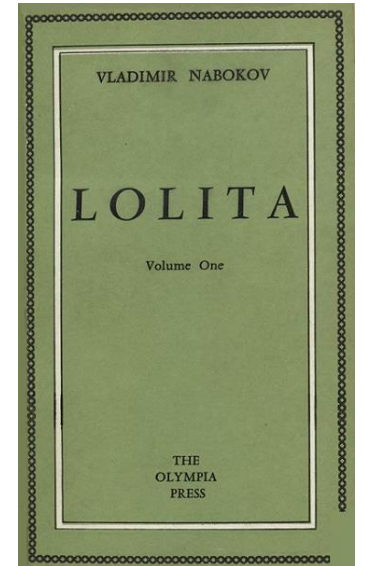
- Core value of libraries
- Multiple viewpoints
- Selection vs. censorship
- We don't have to agree with everything in the collection.

# Doctrine of Prior Restraint:

## Narrow categories **not** protected by the First Amendment:



- ✓ Obscenity
- ✓ Child pornography
- ✓ Defamation
- ✓ Speech that incites immediate and imminent lawless action.



# Library Philosophy and Principles

- Library Bill of Rights
- Interpretations of the Library Bill of Rights
  - Link to documents:  
<http://www.ala.org/advocacy/sites/ala.org.advocacy/files/content/LBORwithInterpretations.pdf>
- Right to Privacy
- Confidentiality of Patron Records
- Code of Ethics
  - Link to document:  
<http://www.ala.org/advocacy/proethics/codeofethics/codeethics>

# Library Bill of Rights

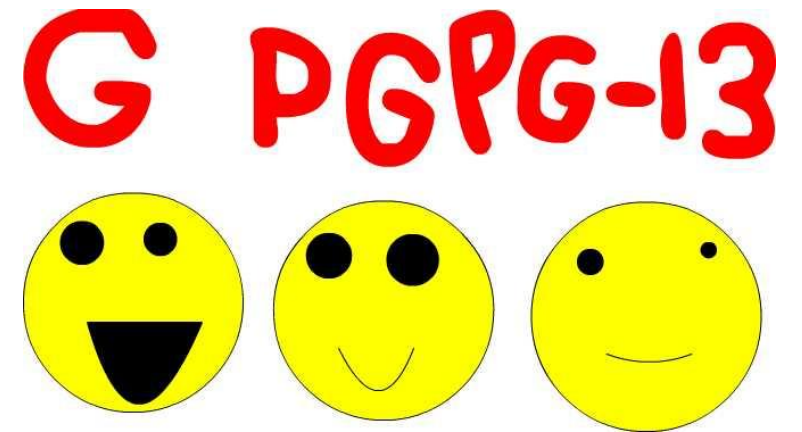
- The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.
- I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.
- Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; inclusion of "age" reaffirmed January 23, 1996.



# Interpretations of Library Bill of Rights

Added material to support Intellectual Freedom  
and assist with the application of the Bill of Rights  
in practice

- Access for children and young adults
- Exhibits and bulletin boards
- Meeting rooms
- Labeling of materials
- Internet filtering
- More



# Terminology

- **Expression of Concern.** An inquiry that has judgmental overtones.
- **Oral Complaint.** An oral challenge to the presence and/or appropriateness of the material in question.
- **Written Complaint.** A formal, written complaint filed with the institution (library, school, etc.), challenging the presence and/or appropriateness of specific material.
- **Public Attack.** A publicly disseminated statement challenging the value of the material, presented to the media and/or others outside the institutional organization in order to gain public support for further action.
- **Censorship.** A change in the access status of material, based on the content of the work and made by a governing authority or its representatives. Such changes include exclusion, restriction, removal, or age/grade level changes.

# Censorship

A “change in the access status of material, based on the content of the work and made by a governing authority or its representatives. Such changes include exclusion, restriction, removal, or age/grade level changes.”

- May have good intentions
  - Protect younger/weaker from “bad influences”
  - Restore “morality”
  - Stop hateful or offensive speech
  - Belief that the information is wrong

# Who are the (potential) Censors?



- Those on the right (conservatives)
- Those on the left (liberals)
- The rest of us

Norma & Mel Gabler fought Texas textbook adoptions for 46 years.

# How Do Librarians Censor?

- Selection vs. censorship
- Not dealing with controversial subjects
- Closed stacks/Desktop copies
- Filtering



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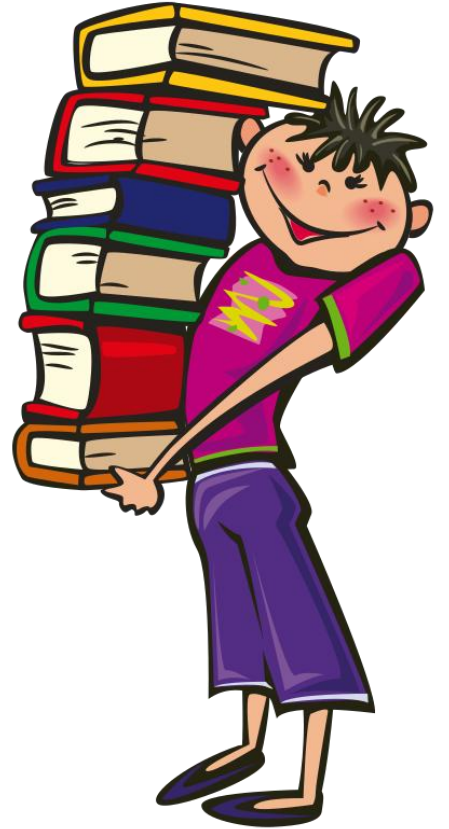
# Be Prepared for Challenges

- Start with good policies and procedures.
- Training is essential. Staff and volunteers must be prepared.
- Stay calm. Don't panic.
- Be respectful and courteous.
- Remember that you are representing the library (government).
- Educate the public.



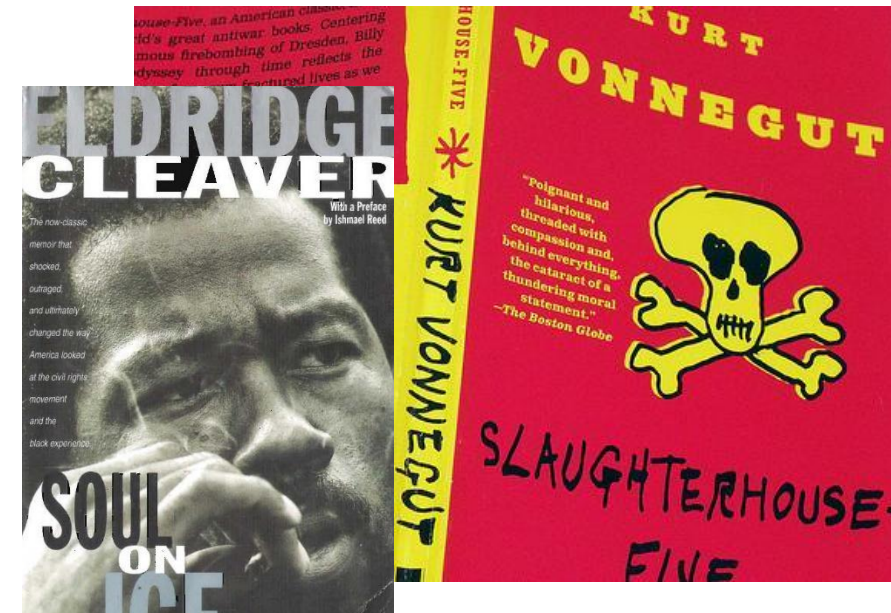
# Schools

- Academic freedom is connected to intellectual freedom.
- Library materials support the intellectual goals of the school.
- Follow the selection procedures and collection development policy.
- Provide alternative selections for required readings so that parents may choose for their own child.
- Have all your policies in place and approved by the district.



# *Board of Education, Island Trees Union Free School District No. 26 v. Pico, 457 U.S. 853 (1982)*

- By a 5-4 vote, the Court held that school officials cannot remove books from a school library simply because they find the ideas in the books objectionable.
- Boards of Education have discretion in establishing the curriculum.
- Still must adhere to First Amendment.
- Limited control outside the classroom.
- Matters of opinion (politics, religion, etc.) should not be prescribed by limiting availability to materials.





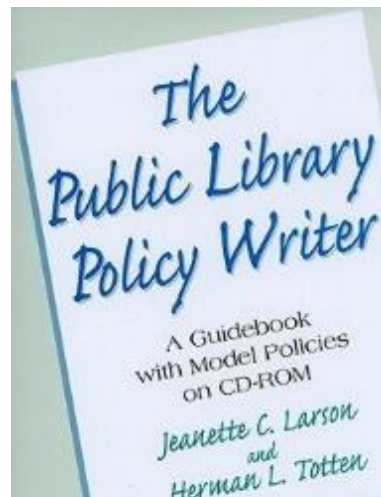
# Policies

- Collection Development

- Selection of Materials
- Acquisitions
- Gifts
- Deselection (Weeding)
- Requests for Reconsideration

- Other policies

- Exhibits
- Meeting Rooms
- Bulletin Boards
- Access to services



- Tells staff and public HOW selection decisions are made.
- Tells staff and public HOW the library acquires materials
- Explains how gifts are accepted and when they will be added to the collection. Also disposal of unneeded gifts.
- Describes HOW and WHEN books are deselected (weeded) from the collection.
- Outlines the process that will be followed in the event of a complaint.



- Get policies in place now.
- If you have a policy review it now!
- Share the policies with staff, board, county/city/school administration, the public.
- Talk about the first amendment and your library's mission!

- Educate the public
  - Banned Books Week
  - "A truly great library contains something in it to offend everyone." --Jo Godwin.
  - Parents have the right to decide what their child reads/views but ONLY their child.

# Banned Books Week

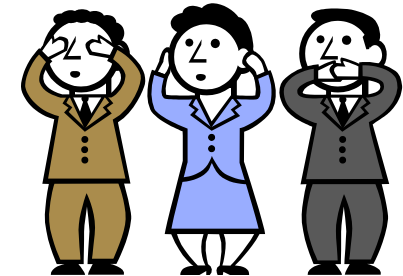
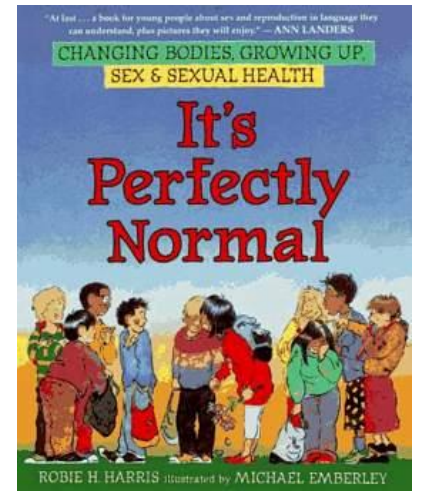
<http://www.bannedbooksweek.org/>

- Last week in September
  - Displays
  - Discussion
  - Public readings
- 
- Brings attention to the issue.
  - Also post copies of the Library Bill of Rights



# Request for Reconsideration

- Listen
  - Often patron just wants to be heard and acknowledged.
- Follow the process
  - Don't express your opinion about what the outcome should be
- Go back to the Collection Development policy
  - Why was the item added to the collection?
  - What need does it meet?
  - Collect reviews
- Address alternatives (if applicable)
- Respond in writing



# GET HELP!

- Talk to colleagues in your area.
  - Just talking it out can help you formulate your response.
- Alert your bosses.
  - They need to hear from you in order to support you.
  - Remind board and governing authorities about policies and process.
- Professional Associations



**Banned & Challenged Books**[About Banned & Challenged Books](#)[Banned Books Week](#)[Challenges to Library Materials](#)[Challenge Support](#)[Conducting a challenge hearing](#)[Sample Request for Reconsideration of Library Resources](#)[Strategies and Tips for Dealing with Challenges to Library Materials](#)[Essential Preparation](#)[Reporting a Challenge](#)[Frequently Challenged Books](#)

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## Strategies and Tips for Dealing with Challenges to Library Materials

- [Introduction](#)
- [Communicating effectively](#)
- [Public libraries](#)
- [School libraries](#)
- [Support groups](#)
- [ALA resources](#)
- [Contributors](#)

### Introduction

**Libraries are often challenged by individuals and groups concerned about the availability of a wide variety of library materials to everyone.**

Addressing these challenges requires a balance of carefully crafted library policy, knowledge and understanding of intellectual freedom principles, and sensitivity to community needs and concerns. It also requires effective communication. This tip sheet has been prepared by the American Library Association (ALA) to help you plan for and deal with such challenges. It can help you educate library staff and trustees, inform the public and work with the media. Some tips are specific to a type of library or service, while others are for general use.

The ALA Office for Intellectual Freedom has information and resources to assist you at any stage of a challenge. Established in 1967, the office is charged with implementing ALA policy on free access to libraries and library materials. The goal is to educate librarians and the general public about the importance of intellectual freedom in libraries.

[Back to top](#)

### Communicating Effectively

A few simple communication techniques can go a long way toward defusing emotion and clearing up misunderstanding. Make sure your staff is trained in procedures for handling complaints and understands the importance of treating all people with respect. The goal is to resolve complaints informally whenever possible.

- [One on one](#)
- [Dealing with media](#)
- [More tips](#)
- [It's not just what you say](#)
- [Sample Q&A](#)

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EVENTS](#)

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11:00 AM

11/12/2015





## Find Us; Find Out



## Advocate

Overview

Advocacy Tools

Advocate for School Libraries

## Intellectual Freedom

Issues &amp; Taking Action

Legislative Activities &amp; Resources

Research &amp; Statistics



## Intellectual Freedom

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## Intellectual Freedom: The RIGHT TO READ

The Texas Library Association holds that the freedom to read is a corollary of the constitutional guarantee of freedom of the press. Freedom of choice in selecting materials is a necessary safeguard to the freedom to read, and shall be protected against extra-legal, irresponsible attempts by self-appointed censors to abridge it. The Association believes that citizens shall have the right of free inquiry and the equally important right of forming their own opinions, and that it is of the utmost importance to the continued existence of democracy that freedom of the press in all forms of public communication be defended and preserved. The Texas Library Association subscribes in full to the principles set forth in the LIBRARY BILL OF RIGHTS of the American Library Association, Freedom to Read Statement, and interpretative statements adopted thereto.

## Intellectual Freedom Issues

## USA Patriot Act

- [http://www.fincen.gov/pa\\_main.html](http://www.fincen.gov/pa_main.html)
- <http://www.ala.org/ala/oif/ifissues/usapatriotact.htm>

## Children's Internet Protection Act (CIPA)

- <http://www.fcc.gov/cgb/consumerfacts/cipa.html>
- <http://www.ala.org/ala/aasl/aaslissues/cipaandschoollib/cipaschoollibraries.htm>

## Banned Books

- [American Civil Liberties Union of Texas](#)
- [Banned Books Online](#): Special exhibit of books that have been the objects of censorship
- [Banned Books Week](#) (American Library Association)
- [Censored Children's Books](#) (California State Univ., Long Beach)
- [Most Frequently Banned Books in the 1990s](#) (Banned in the USA)

## Resources

[TLA Intellectual Freedom Handbook](#)

ALA Intellectual Freedom website:

<http://www.ala.org/ala/issuesadvocacy/intfreedom/index.cfm>

Created on Mar 15, 2010 | Last updated June 12, 2013

## 84th Legislative Session

The 84th Regular Session of the Texas State Legislature is here. Make sure library supporters in your community are prepared with the latest information on library issues. [Become a member of TLA today!](#)

Here is a list of some key dates.

## Planned Activities and Timeline

- January 13, 2015:** First Day of the 84th Legislature
- January 14 – beginning of February:** House and Senate leaders appoint committees for the 84th Legislature.
- February:** State budget hearings on Appropriations Bill (HB 1/ SB 1) begin.
- February 12:** Library Virtual Action Day: Plan activities that you and your library supporters can undertake to promote statewide funding for library programming.
- March 13:** (60th day) Deadline for filing bills and joint resolutions other than local bills.
- April 14:** A special preconference will be held in conjunction with the TLA Conference.
- May:** The House and Senate leaders appoint key lawmakers from each chamber to a special conference committee to negotiate any differences between the House and Senate versions of the state budget.
- June 1, 2015:** End of the 84th Legislature

txla.org/intellectual-freedom



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### Roll of Honor

#### Lucille C. Thomas



2007 recipient - Past  
President, Brooklyn  
Public Library

#### Judith F. Krug



1995 recipient  
(deceased) - FTRF  
Executive Director  
from 1969 founding  
to 2009

See the full list of Roll  
of Honor members

### Find us Online

FTRF on Facebook

FTRF Blog

## Welcome!

SAVE  
THE  
DATE



DECEMBER 1

#GIVINGTUESDAY

## Freedom to Read has joined #GivingTuesday!

#GivingTuesday is a global day of giving that harnesses the collective power of individuals, communities and organizations to encourage philanthropy and to celebrate generosity worldwide.

Occurring this year on December 1, #GivingTuesday is held annually on the Tuesday after Thanksgiving (in the U.S.) and the widely recognized shopping events Black Friday and Cyber Monday to kick-off the holiday giving season and inspire people to collaborate in improving their local communities and to give back in impactful ways to the charities and causes they support.

## FTRF Blog

View our full posts on our blog

### FTRF sponsors Jacqueline Woodson: Brown Girl Drea...

Jacqueline Woodson's memoir-in-verse, is a rich and poignant description of life as a black child in the 1960s. But in telling her own story so powerfully, she also has painted an indelible portrait of Jim Crow America, both in the South and the North, and resonated with readers and critics alike. The author of more than 30 books, Woodson received the National Book Award for Young People and the Newbery Honor for this latest work. She takes to the CHF stage for a conversation

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### News from FTRF more

7/14/2015

Ninth Circuit Court of Appeals  
issues decision in lawsuit  
challenging Arizona's Ethnic  
Studies ban

6/11/2015

FTRF announces five Banned  
Books Week grants for 2015 via  
Judith Krug Fund

6/2/2015

FTRF awards four scholarships  
for University of Illinois intellectual  
freedom course

### Tweets

Follow



Freedom to  
Read Fdn  
@FTRF

29 Oct

#FTRF sponsors Jacqueline  
Woodson's memoir-in-verse  
"Brown Girl Dreaming"  
@Chi\_Humanities #chf2015  
Sunday, Nov. 1 ftrf.org  
Expand



Freedom to  
Read Fdn  
@FTRF

28 Oct

YOU DID IT!  
twitter.com/ALALibrary/sta...

www.ftrf.org/



# You are not alone!

- Learn from others
- Read case studies.



Jeanette Larson

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# Hood County Library's Challenged Books and Policies Process

Courtney Kincaid, MLS  
Assistant Library Director  
North Richland Hills Library

(Former Library Director of Hood County Library, Granbury)

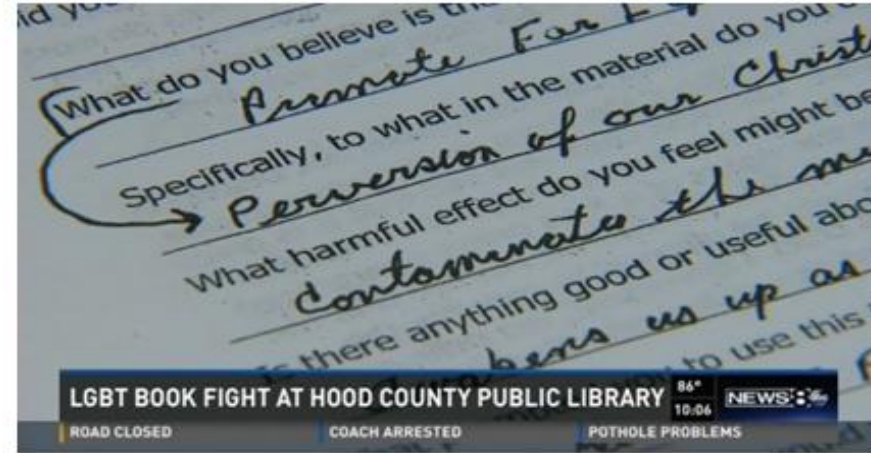


Email:  
[ckincaid@nrhtx.com](mailto:ckincaid@nrhtx.com)

Twitter:  
[@ckthelibrarian](https://twitter.com/ckthelibrarian)

# Agenda

- ▶ Timeline of Events
- ▶ Strategy
- ▶ Open Records Requests
- ▶ Media
- ▶ Policies
- ▶ Social Media
- ▶ How to Handle the Stress Level
- ▶ Professional Career Move



Picture credit: WFAA

# Timeline of Events

- ▶ Books and Policies issues – 21 weeks total
  - Began May 15, 2015 – October 13, 2015
    - June 5, 2015 – Library Advisory Board hearing
    - July 14, 2015 – CC hearing regarding books
    - August 25, 2015– Policies brought to court
    - October 13, 2015 – Policies passed






# Strategy

- ▶ TLA
- ▶ ALA OIF
- ▶ Library Board
- ▶ Governing Board and Attorney
- ▶ Friends groups
- ▶ Supportive patrons
- ▶ Other librarians – especially in the area
- ▶ American Civil Liberties Union (ACLU)



Picture credit: Texas Observer

# Strategy

- Read books yourself
  - Have another staff member read the books
  - Let your board read the books
  - Governing board – read the books
  - How long have books been in the collection?
  - Any other requests submitted in the past?
  - Publisher reviews
  - Do the books fit within your collection development policies?
- 

# Open Records Requests

## ▶ Remember:

- All correspondence may be requested
- Stay professional, accurate, and courteous

David Wells,  
Library Advisory Board, Chairperson  
Picture credit: Texas Observer



# Media


- ▶ We chose not to go to the paper – we didn't on a previous challenge.
- ▶ News will get ahold of this issue soon – be sure you have everything organized and a statement.
- ▶ News sources typically support the freedom to read/view.
- ▶ Stick with the facts and facts only!




Hood County Court Hearing 7/14/2015  
Picture credit:  
Comic Book Legal Defense Fund




# Policies

- ▶ Make certain your policies can handle something of this magnitude.
  - ▶ We didn't have a clear ending – so that was something we had to remedy.
  - ▶ For those who oppose the decision– what's their next move?
  - ▶ Stay two steps ahead
  - ▶ Keep in close contact with your governing and advisory board throughout the process .
  - ▶ And explain to governing board the role of a PUBLIC library.
- 

# Social Media

- ▶ The library/staff do not need to create social media buzz.
  - ▶ Supporters created a support the library page.
  - ▶ Everything can and will be mentioned at court/council – even the people who “Like” the page...just FYI.
  - ▶ I did not comment or post anything on this page during this time. I also asked staff not to post.
- 

# Stress

- ▶ Confide in family, friends, fellow librarians.
  - ▶ This is a big ordeal and you need someone you can reason with and vent.
  - ▶ Although it may seem like this will never end – it will.
  - ▶ Try to do things away from work that will help you de-stress and relax.
- 

# My move to NRH Library

- ▶ Assistant Director for North Richland Hills Library
- ▶ My governing board was the Commissioners' Court – who are elected individuals.



# Challenged Materials

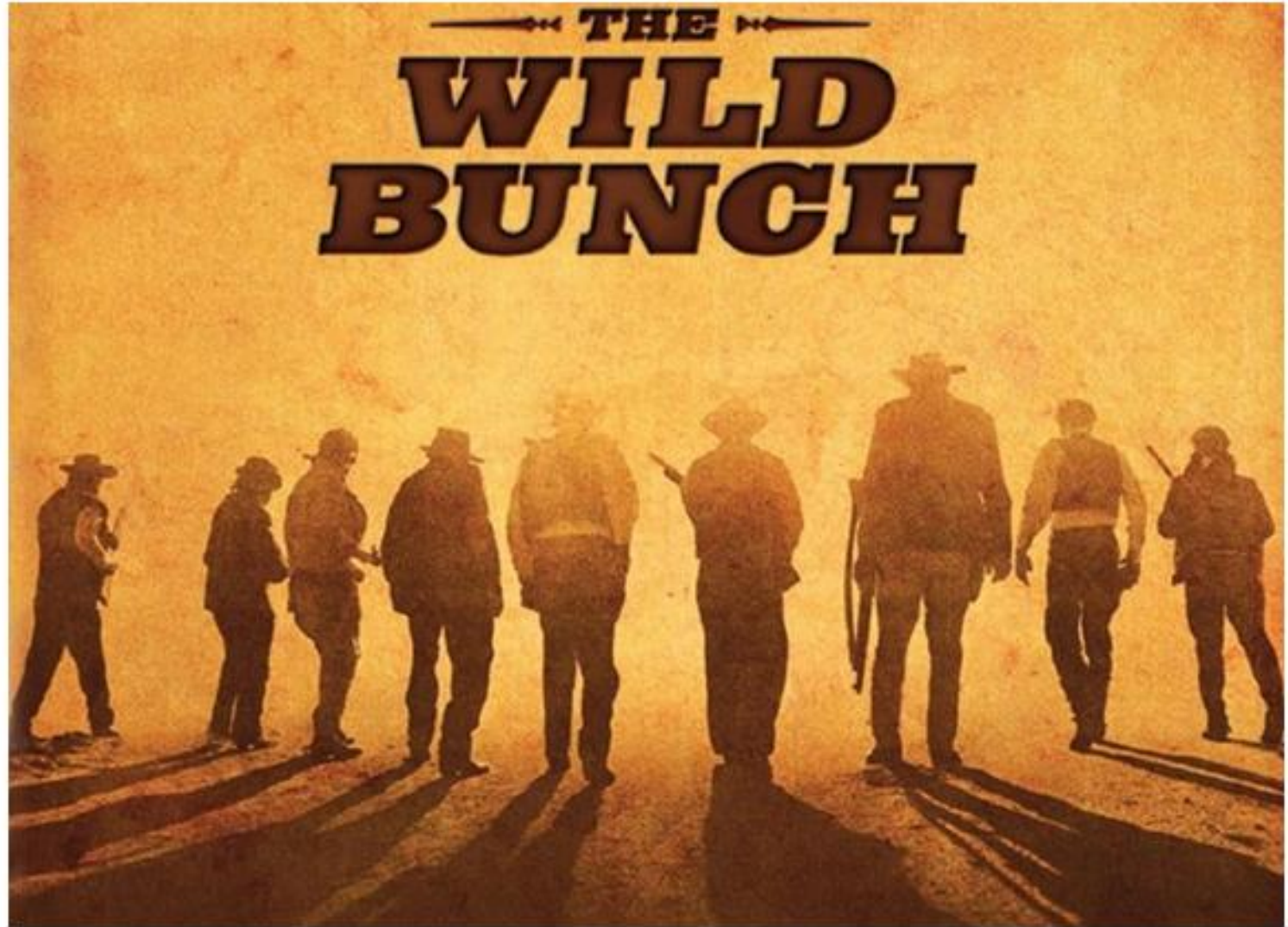
Kate P. Horan, MLS

Library Director

McAllen Public Library

[khoran@mcallen.net](mailto:khoran@mcallen.net)

Request  
for  
Reconsideration





G. Challenged Materials: The library believes in freedom of information for all, and does not practice censorship. The library declares that while anyone is free to reject books and other materials of which he/she does not approve, he/she may not exercise censorship to restrict the freedom of others. The library also recognizes that the collection of diverse materials may result in some complaints or requests for reconsideration.

Reconsideration forms are available from Public Services staff. When a patron wishes the library to discard or reclassify a book or item of non-book material, he or she fills out the "Request for Reconsideration of Library Materials" form [below]. The form is sent to the office of the Library Director who assigns a committee of librarians to review the item. The committee will evaluate the request form, any available reviews, and the item to determine if it meets the library selection criteria and collection development guidelines. The committee will make a recommendation to the Library Director, who will review the material, related items, and the committee's recommendation, and present to the Library Board for a final decision regarding the disposition of the challenged item.

Request for Reconsideration of Library Material

McAllen Public Library

Title: \_\_\_\_\_

\_\_\_\_\_  
Author: \_\_\_\_\_

\_\_\_\_\_  
Publisher: \_\_\_\_\_

\_\_\_\_\_  
Format: \_\_\_\_\_ Book \_\_\_\_\_ Video \_\_\_\_\_ Audio \_\_\_\_\_ Magazine

Your Name: \_\_\_\_\_

\_\_\_\_\_  
Address: \_\_\_\_\_

\_\_\_\_\_  
Email: \_\_\_\_\_

Telephone: \_\_\_\_\_

Do you represent: \_\_\_\_\_ Yourself

\_\_\_\_\_ An Organization

(name) \_\_\_\_\_



1. Did you read/view/hear the entire work? If no, what parts?
2. To what in the work do you object? Please be specific.
3. What do you feel might be the result of reading, viewing, or hearing this work?
4. For what age group would you recommend this work?
5. What is good about the work?
6. What reviews have you read or heard on the work?
7. What do you believe is the theme of the work?
8. In its place, what work would you recommend that would convey as valuable a picture and perspective on the subject treated?
9. Other comments:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_

Committee's  
Recommendation:

Item remains in the collection

"Director Sam Peckinpah made The Wild Bunch to show the Wild West as realistically as possible. Instead of perpetuating romantic notions of good versus evil, he was "dedicated to telling truths and still preserving the legend of the American West" (Time magazine, 1969). As a result, all groups in the story are shown in a harsh light: Mexicans, Anglos, women, churchgoers, crooks, including even the children—who torture scorpions for entertainment. "

Included awards and honors (American Film Institute named it one of the Top 100 Films of All Time).

"...if this film were to be withdrawn because of its negative portrayal of one group, in order to be consistent and fair, the library would also have to remove many other films and books which include characters of various ethnic or racial groups. "

"Rather than 'cleanse' the library of potentially offensive material, our role is to provide a broad variety of items which allow individuals to decide for themselves what they wish to view or read. "

That time MPL  
was tagged on  
Facebook...

## I AM JAZZ



## BIG MOMMA MAKES THE WORLD



THANK YOU!

[www.mcallenlibrary.net](http://www.mcallenlibrary.net)

[khoran@mcallen.net](mailto:khoran@mcallen.net)

